

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN BERMAN,

Plaintiff,

v.

KNIFE RIVER CORPORATION; STATE OF
CALIFORNIA; CALIFORNIA DEPARTMENT
OF TRANSPORTATION; and DOES 1-30,

Defendants.

Case No.: C 11-3698 PSG

**ORDER RESETTING HEARING ON
DEFENDANT CALTRAN'S MOTION
TO DISMISS; ORDER CONTINUING
HEARING ON DEFENDANT KNIFE
RIVER CORPORATION'S MOTION
TO DISMISS**

(Re: Docket Nos. 16; 36)

Before the court are two motions to dismiss. Defendant Knife River Corporation ("Knife River") and Defendant State of California, California Department of Transportation ("Caltrans") independently have moved to dismiss Plaintiff John Berman's ("Berman") Second Amended Complaint. The court previously took Caltran's motion under submission and vacated the hearing on the motion to dismiss. In light of the fact that all parties have now consented to magistrate jurisdiction and that Berman is proceeding *pro se*, the court finds it appropriate to reset the hearing on Caltran's motion and to continue the hearing on Knife River's motion to the same date.

Accordingly,

Caltran's second motion to dismiss (Docket No. 16) and Knife River's motion to dismiss (Docket No. 36) will be heard at 10:00 a.m. on Tuesday, February 7, 2011. Because both motions have been fully briefed, the parties need not re-notice or re-file their motions.

IT IS SO ORDERED.

Dated: 1/20/2012



PAUL S. GREWAL
United States Magistrate Judge